

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMPIRE STATE CARPENTERS PENSION,
et al.,

ORDER

07-CV-4613 (DRH) (ARL)

Plaintiffs,

-against-

PATERSON CONSTRUCTION LLC, et al.,

Defendants.

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HURLEY, Senior District Judge:

On June 8, 2009, this Court granted Plaintiffs' motion for an entry of default judgment against defendants Paterson Construction LLC, JPH Painting, Inc., Millennium Painting, Inc., and Robert Paterson, and referred the case to U.S. Magistrate Judge Arlene R. Lindsay, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorneys' fees. On November 13, 2009, Judge Lindsay issued a Report and Recommendation that Plaintiffs be awarded damages in the amount of \$242,016.65, comprising: (1) \$155,831.28 in unpaid fringe benefits; (2) \$37,401.49 in unpaid interest, plus any additional interest that has accrued from June 1, 2009 through entry of judgment; (3) \$37,401.49 in liquidated damages, plus any additional interest that has accrued from June 1, 2009 through entry of judgment; and (3) \$11,382.39 in attorneys' fees and costs. Judge Lindsay also recommended that this award be entered jointly and severally against all defendants, and that defendants be ordered to permit and cooperate in an audit of the defendants' books and records beginning on November 21, 2006 concerning defendants'

fringe benefit contributions to the Funds. More than ten days have elapsed since service of the Report and Recommendation, and no party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the November 13, 2009 Report and Recommendation of Judge Lindsay as if set forth herein. Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
December 11, 2009

/s/
Denis R. Hurley,
United States District Judge